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Libel—Newspapers—Privileged Communication.—There should be no question as to the soundness of the decision of the Supreme Judicial Court of Massachusetts in *Sweet v. Post Pub. Co.*, 102 N. E., 660, holding that a newspaper which published a statement that the plaintiff had been indicted, with particulars as to his age, residence and occupation, which were correct and plainly identified him, when as a fact the person indicted was another person bearing a similar name. The fact that the defendant had exercised reasonable care in endeavoring to ascertain the facts and, on discovering its error, published a retraction, was held not to affect its liability.

An unavailing effort was made, as is often made in such cases, to maintain the contention that such a publication, made in good faith and under an honest misapprehension of the facts, was privileged. This contention is based on the theory that newspaper exercises a sort of public function in informing its readers about current affairs, especially the acts and doings of public servants, in the courts, legislatures, etc., and should not be penalized because of an honest mistake in reporting such matters, where the necessity of quick action renders careful and exhaustive inquiry difficult. This necessity arises, not from any public duty, but from the convenience of the publisher's private business, in which speed of publication outweighs accuracy of statement. In a few of the states, we believe, misstatements of fact made in good faith as to public characters, have been held excusable,—an exception which has naturally led to great abuses,—but the generality of the states adhere to the old and sound view that a newspaper is as fully bound as any private person to speak only the truth of others, no matter what their station in life may be. For many years the press, particularly the daily press, has urged that a special indulgence should be extended to it in this matter, and innumerable efforts have been made to secure the passage of statutes under which proof of absence of malice, unintentional error, etc., together with the publication of a retraction on discovering the error, would be accepted in lieu of an award of damages. In this they have not been successful, unless the relaxation of the rule above noted may be so considered. As a fact, the wide diffusion of a libel contained in a newspaper, adding, as it does, to the injury likely to be inflicted on the person referred to in the libelous article, ought to be held to impose a rule of special strictness on those publications.